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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Fifteenth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)*
OF THE 40th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 26 November 1996, at 3 p.m.

Chairperson: Mr. ALSTON

CONTENTS

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Third periodic report of Finland (continued)

SUBSTANTIVE ISSUES ARISING IN THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (continued)

* The summary record of the second part (closed) of the meeting appears as document E/C.12/1996/SR.40/Add.1.

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 4) (continued)

Third periodic report of Finland (E/1994/104/Add.7, E/C.12/Q/FIN.1, E/C.12/CA/27) (continued)

1. At the invitation of the Chairperson, the members of the delegation of Finland took places at the Committee table.

2. The CHAIRPERSON invited the members of the Committee to consider the implementation of article 15 and, if they so wished, to ask questions on other articles of the Covenant.

3. Mrs. JIMENEZ BUTRAGUEÑO asked what steps had been taken to facilitate the participation of older persons in cultural life and group activities.

4. Mr. AHMED said that the Committee had just received, through the International Confederation of Free Trade Unions, a note from the Central Organization of Finnish Trade Unions (SAK) expressing concern that the attainment of full employment was not among the goals included in the new Constitution, as amended in July 1995. SAK was also concerned, on the one hand, by the campaign launched by the representatives of management against the principle that an employer who had not signed a collective agreement for a particular industry was also bound by that agreement and, on the other hand, by the abandonment of the centralized collective bargaining system in the labour market, one of the consequences of which had been the increase, beginning in 1993, of differences in real wages between women and men (para. 92 of the report).

5. SAK feared that, in situations of strained bargaining or political strife, courts might find it difficult to interpret Act No. 503/89 impartially and objectively; under that Act, the purpose of an association must not be contrary to law or good practice (para. 160 of the report). Moreover, the new Constitution no longer provided specific protection of the right to strike.

6. The fact that the Covenant had been incorporated into domestic law through a governmental decree meant that its status was inferior to that of an Act of Parliament.

7. Mr. SALMENPERÄ (Finland), referring to the 1995 constitutional reform, said it had been unrealistic to continue to make constitutional provision for everyone's right to work, as there had been nearly half a million unemployed in Finland. That did not mean the Government would not continue making every effort to combat unemployment.

8. The current Government had no intention of challenging the principle that an employer who had not signed a collective agreement was also bound thereby. It was working hard to reduce the wage gap between men and women.

9. The Government regarded the right to strike as a basic right and an integral part of the right to form trade unions, which was explicitly mentioned in the Constitution.

10. It should be specified that the Covenant had the same status as the other international instruments to which Finland was a party and that the Government would fulfil all its obligations thereunder.

11. Replying to a question about the right to housing, which had been raised at the 38th meeting, he said that between 1991 - when the rental act had been liberalized - and 1996, the increase in rents had been less than the increase in consumer prices. In that period, the supply of rented accommodation had increased considerably, as 50,000 additional housing units had been built. The proposed rent for a given apartment must correspond to the actual rents for apartments of the same type situated in the same area.

12. Replying to questions raised at the 38th meeting, Mrs. KAIVOSOJA (Finland) said that the National Board of Education, which came under the Ministry of Education, had developed a core curriculum for primary, secondary and vocational school teachers which indicated the values to be imparted to children through their education in different subjects, namely, respect for human dignity, life and equality between all human beings, regardless of sex, race or property. Human rights issues, particularly relating to immigrants and minorities, also formed part of the teacher training programme. The National Board of Education and several organizations had prepared teaching materials on human rights and intercultural tolerance.

13. The members of the police and armed forces, prison staff, judges and social workers also received human rights training.

14. With regard to children belonging to minorities, in December 1995 the Government had adopted a development plan for 1995-2000 which called, among other things, for Roma and Sami children to receive education in their native tongue. In 1994, a Special Education Unit for the Romany People had been created in order to strengthen Roma culture and language. Many teaching materials had been put together for Roma schoolchildren, as well as a teaching guide for teachers providing instruction in the Roma language. Those teachers could also take summer courses to improve their knowledge of Roma culture. In addition, there was a Special Advisory Board for Romany Affairs, which was responsible for strengthening the rights of the Roma community.

15. As to higher education, 30 per cent of young Finns were currently engaged in higher studies.

16. Mrs. JOUTTIMÄKI (Finland) said that the reply to question 45 on the list of issues (E/C.12/Q/FIN.1) was to be found on pages 36-38 of the written replies furnished by the Finnish Government (document without a symbol, in English only). Between 1970 and 1996, deaths due to cardiovascular disease had fallen by 60 per cent, thanks to a vigorous information and prevention campaign.

17. The economic crisis had compelled municipalities to set up a home care and assistance system for older persons, which had enabled many people to

continue to live at home rather than in specialized establishments. The Ministry of Social Affairs had taken the initiative to launch a project aimed at integrating all the local actors in the social services provided to older persons. As to the participation of older persons in group activities, there were many charitable organizations that brought them together with younger people, to whom they talked about the past and for whom they could in some sense replace grandparents living very far away. That role was invaluable.

18. Mr. SALMENPERÄ (Finland) said that all sorts of possibilities existed for older persons to enhance their knowledge, as large numbers of them attended the "open universities" made available to the public at large.

19. Mrs. JIMENEZ BUTRAGUEÑO requested the full text of the programme for older persons.

20. Mr. GRISSA asked if needy students of higher education received scholarships or other types of aid.

21. Mrs. KAIVOSOJA (Finland) said education per se was free, but a special aid system enabled students to cover their basic needs and to buy necessary supplies.

22. The members of the delegation of Finland withdrew.

SUBSTANTIVE ISSUES ARISING IN THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 3) (continued)

23. Mr. THAPALIA reported to the Committee on his study of the activities of the Committee against Torture. Torture was a practice used by political, administrative or military authorities, and the United Nations had formally committed itself to combating the practice through the General Assembly's adoption on 10 December 1984 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

24. To monitor its implementation, a committee composed of experts, and endowed with broad powers of examination and investigation, had been created, whose work had sensitized humanity as a whole and its Governments. All States parties submitted to the Committee, through the Secretary-General, a report on the measures taken to give effect to their commitments under the Convention.

25. The Committee invited representatives of the State party whose report was under consideration to reply to the experts' questions, but it could also draw on additional information from non-governmental organizations or individuals. The Committee was empowered to institute inquiries into allegations concerning the systematic practice of torture. In recent years committees of inquiry had been set up to look into the situation in Turkey, Egypt and, currently, Peru.

26. In its annual report the Committee included a summary of the communications examined as well as of the explanations and statements by the States parties concerned and of its own views. At its fifty-first session it had considered the reports of Denmark, Guatemala, the United Kingdom, Colombia, Armenia, Senegal, Finland and China.

27. It had also laid the foundations for establishing a working relationship with the European Committee for the Prevention of Torture and the United Nations Voluntary Fund for Victims of Torture.

28. Its pioneering work had already produced results around the world, at least in the adoption of legislation defending human rights and the introduction of judicial, penal and custodial reforms. However, the Committee against Torture would be even more effective if it pressed all States parties to the Convention to set up an independent national human rights commission, which should be empowered to investigate reports of abuses by law enforcement officials, to receive private complaints against individuals or institutions and to publish an authenticated annual report on its work and achievements. Also to be insisted upon were the need for ongoing training and openness of law enforcement agencies; regular supervision and reform of judicial, penal and custodial institutions; and mandatory filing of a report by released prisoners.

The public part of the meeting rose at 4.10 p.m.